

**IN THE CLAIMS:**

1. (Currently Amended) An agrichemically effective solid formulation in powder or granular form and comprising:
  - a. ~~an agrichemically effective~~ sulfur-containing active ingredient solids in an agrichemically effective amount, wherein said active ingredient solids may emit volatile sulfur-based odors that are generally objectionable to human perception,
  - b. 0-90 wt% of an aromatic solvent for said active ingredient, and
  - c. a masking agent comprising a terpene or oxygenated derivative thereof in an amount sufficient to reduce human perception of objectionable odors from said ~~formulation~~ sulfur-containing active ingredient solids.
2. (Canceled)
3. (Original) A formulation according to claim 1 wherein said active ingredient comprises phosphoroamido(di)thioate solids.
4. (Currently Amended) A formulation according to claim ~~[[3]]~~ 1 wherein said active ingredient solids comprise ~~comprises~~ acephate.
5. (Currently Amended) A formulation according to claim ~~[[3]]~~ 1 wherein said masking agent comprises citral, camphor, alpha-pinene, beta-pinene, terpineol or limonene.
6. (Currently Amended) A formulation according to claim ~~[[5]]~~ 1 wherein said masking agent comprises an essential oil.
7. (Original) A formulation according to claim 6 wherein said essential oil smells like a citrus fruit.

8. (Original) A formulation according to claim 7 wherein said essential oil smells like lemon, lime, or a combination of lemon and lime.
9. (Original) A formulation according to claim 6 wherein said essential oil has been synthesized.
10. (Currently Amended) A formulation according to claim 1 wherein said ~~active ingredient is in a solid form and the~~ formulation further comprises a binder.
11. (Original) A formulation according to claim 10 wherein said binder is a polymer.
12. (Original) A formulation according to claim 11 wherein said binder comprises a polyalkylene oxide.
13. (Original) A formulation according to claim 12 wherein said binder comprises a polyethylene oxide.
14. (Currently Amended) An insecticidally effective formulation in powder or granular form and comprising:
  - a. phosphoroamido(di)thioate solids in an insecticidally effective amount, wherein said solids emit odors that may be objectionable to human perception,
  - b. a masking agent comprising a terpene or oxygenated derivative thereof in an amount sufficient to reduce human perception of objectionable odors from said formulation.
15. (Original) An insecticidally effective formulation according to claim 14 wherein said masking agent comprises citral, camphor, alpha-pinene, beta-pinene, terpineol or limonene.

16. (Original) A formulation according to claim 14 wherein said masking agent comprises an essential oil.
17. (Original) A formulation according to claim 16 wherein said essential oil smells like citrus fruit.
18. (Original) A formulation according to claim 17 wherein said essential oil smells like lemon, lime, or a combination of lemon and lime.
19. (Original) A formulation according to claim 16 wherein said essential oil has been synthesized.
20. (Original) A formulation according to claim 14 wherein said formulation further comprises a binder.
21. (Original) A formulation according to claim 20 wherein said binder is a polymer.
22. (Original) A formulation according to claim 21 wherein said binder comprises a polyalkylene oxide.
23. (Original) A formulation according to claim 22 wherein said binder comprises a polyethylene oxide.
24. (Original) A formulation according to claim 20 wherein said essential oil has been sprayed onto a granule comprising said phosphoroamido(di)thioate solids and said binder.
25. (Original) A formulation according to claim 20 wherein said essential oil has been admixed with said phosphoroamido(di)thioate solids and said binder and extruded to form a solid granule.

26. (Currently Amended) A process for making granules containing insecticidally effective phosphoroamido(di)thioate extrudates, said process comprising the steps:  
extruding at ambient temperatures an extrusion mixture comprising phosphoroamido(di)thioate solids, a binder, and less than 5 wt% water to form homogeneous extrudates,  
drying said extrudates to a moisture content of less than 1 wt%, and  
spraying an anhydrous masking agent onto the dried extrudates.
27. (Original) A process according to claim 26 wherein said phosphoroamido(di)thioate solids comprise acephate.
28. (Currently Amended) A process according to claim 26 wherein said extrusion mixture also comprises silica as an ~~anti~~ anticaking agent.
29. (Original) A process according to claim 26 wherein the extrusion mixture is essentially homogeneous and consists essentially of 0.2-0.75 wt% of a polyalkylene oxide binder, no more than 1.5 wt% silica powder, 2-4 wt% water, and phosphoroamido(di)thioate solids.
30. (Currently Amended) An insecticidally active composition made according to the process of claim 26 and comprising:  
phosphoroamido(di)thioate solids,  
a water soluble polymeric binder,  
an optional anticaking agent,  
less than 5 wt% water, and  
a masking agent in an amount effective to mask human perception of objectionable odors from said phosphoroamido(di)thioate solids.
31. (Original) A composition according to claim 30 wherein said phosphoroamido(di)thioate solids comprise acephate.

32. (Original) A composition according to claim 30 wherein said water soluble polymeric binder comprises a polyalkylene oxide.
33. (Original) A composition according to claim 32 wherein said polymeric binder comprises polyethylene oxide or polybutylene oxide.
34. (Currently Amended) A composition according to claim 30 in the form of a dried granule comprising:  
at least 95 wt% acephate.  
0.1-1 wt% polyalkylene oxide,  
no more than 1.5 wt% silica but in an amount sufficient to act as an ~~anti~~icking anticaking agent,  
less than 0.5 wt% water, and  
an essential oil as a masking agent for odors from said acephate.
35. (New) An agrichemically effective formulation comprising:
- a. an agrichemically effective active ingredient in an agrichemically effective amount, wherein said active ingredient may emit odors that are generally objectionable to human perception,
  - b. a polymeric binder for said active ingredient, wherein said binder comprises a polyalkylene oxide,
  - c. 0-90 wt% of an aromatic solvent for said active ingredient,
  - d. a masking agent comprising a terpene or oxygenated derivative thereof in an amount sufficient to reduce human perception of objectionable odors from said formulation.
36. (New) A formulation according to claim 35 wherein said active ingredient comprises phosphoroamido(di)thioate.



**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

Application No.

10/067,987

Applicant(s)

GAYTAN, JESSE H.

Examiner

Art Unit

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 4/17/05 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officetlyer.pdf>.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

*David Smith*

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